

In the Matter of ) Arizona Supreme Court  
 ) No. R-19-0037  
RULES 47.1, 48, and 79, )  
RULES OF PROCEDURE FOR THE ) **FILED 07/03/2019**  
JUVENILE COURT )  
 )  
 )  
 )

TO:  
Rule 28 Distribution  
David K Byers

**ATTACHMENT\***

**Rules of Procedure for the Juvenile Court**

(deletions shown with ~~strikethrough~~, new language is underlined)

**Rule 47.1. Mandatory Judicial Determinations**

If a child has been removed from the child's home by the state authority, the court shall make protecting the child from abuse or neglect the first priority. The court shall make the following determinations within the time periods set forth and shall state on the record a factual basis for each determination:

**A. through H. [No Change]**

**I.** Within one hundred twenty days after the department submits a qualified young adult's signed voluntary agreement to participate in an extended foster care program pursuant to section 8-521.02, the juvenile court shall determine whether the participation is in the qualified young adult's best interest.

**Rule 48.** Petition, temporary orders and findings, notice of hearing, and service of process

**A. [No Change]**

**B. Who may file.**

1. General. The department or any interested party may file a petition to commence proceedings in the juvenile court alleging that a child is dependent, except as provided in B(2).

2. Delinquency Cases. An interested party may not file a dependency petition concerning a child who has been adjudicated delinquent and is under the jurisdiction of the juvenile court, who is awaiting delinquency adjudication or disposition or who has been released from the department of juvenile corrections within the previous six months, unless both of the following occur:

- a. The interested party contacts the department pursuant to A.R.S. § 8-455 at least fourteen days before filing the petition and provides the department with notice of the intent to file a petition pursuant to this subsection, the allegations contained in the petition, and the factual bases supporting the allegations.
- b. The interested party affirms in the petition that the requirements of paragraph 1 of this subsection have been met.

**CB. Temporary orders and findings.** When the interests of the child require immediate action, upon the filing of a petition under oath, the court may enter an order making the child a temporary ward of the court pending the hearing, which shall be scheduled at that time.

1. General. Upon the filing of a petition, pursuant to subsection B(1), the court may issue temporary orders necessary to provide for the safety and welfare of the child, shall make determinations required by Rule 47.1 and shall make findings as required by law.

2. Delinquency Cases. Upon the filing of a petition, pursuant to subsection B(2), the court may not issue any temporary orders with respect to the department, including placing the child in the department's legal or physical custody, joining the department as a party, or ordering the department to provide any services to the child or the family, without first conducting a hearing. At the hearing, the court shall take evidence on the request of the department or a party. The court shall provide the department and a party at least seventy-two hours written or electronic notice of the hearing and an opportunity to be heard as to any proposed orders. If the department is provided proper notice and fails to appear, the court may proceed with the hearing.

**D.C. [No Change]**

**E.D. [No Change]**

**F.E. [No Change]**

## **Rule 79. Petition to Adopt**

**A. [No Change]**

### **B. Hearing.**

1. [No Change]

2. Expedited Hearing. The court shall hold an expedited hearing on a motion that is supported by a sworn affidavit that the expedited hearing is in the child's best interests and that any of the following is true:

a. The child is suffering from a chronically debilitating, progressive or fatal disease as diagnosed by a licensed physician.

b. A prospective adoptive parent, birth parent or legal parent is terminally ill, as diagnosed by a licensed physician.

c. The child is free for adoption, is at least sixteen years of age, consents to the adoption and has lived with the prospective adoptive parent for at least six months.

23. Notice. A notice of hearing shall accompany the petition and shall advise the parties as to the date, time and location of the hearing. If the child is an Indian child, in addition to service as required by this rule, the child's parent or Indian custodian and the child's tribe shall be notified pursuant to Rule 76(B) if the parent or Indian custodian did not voluntarily place the child for adoption.

**C. [No Change]**